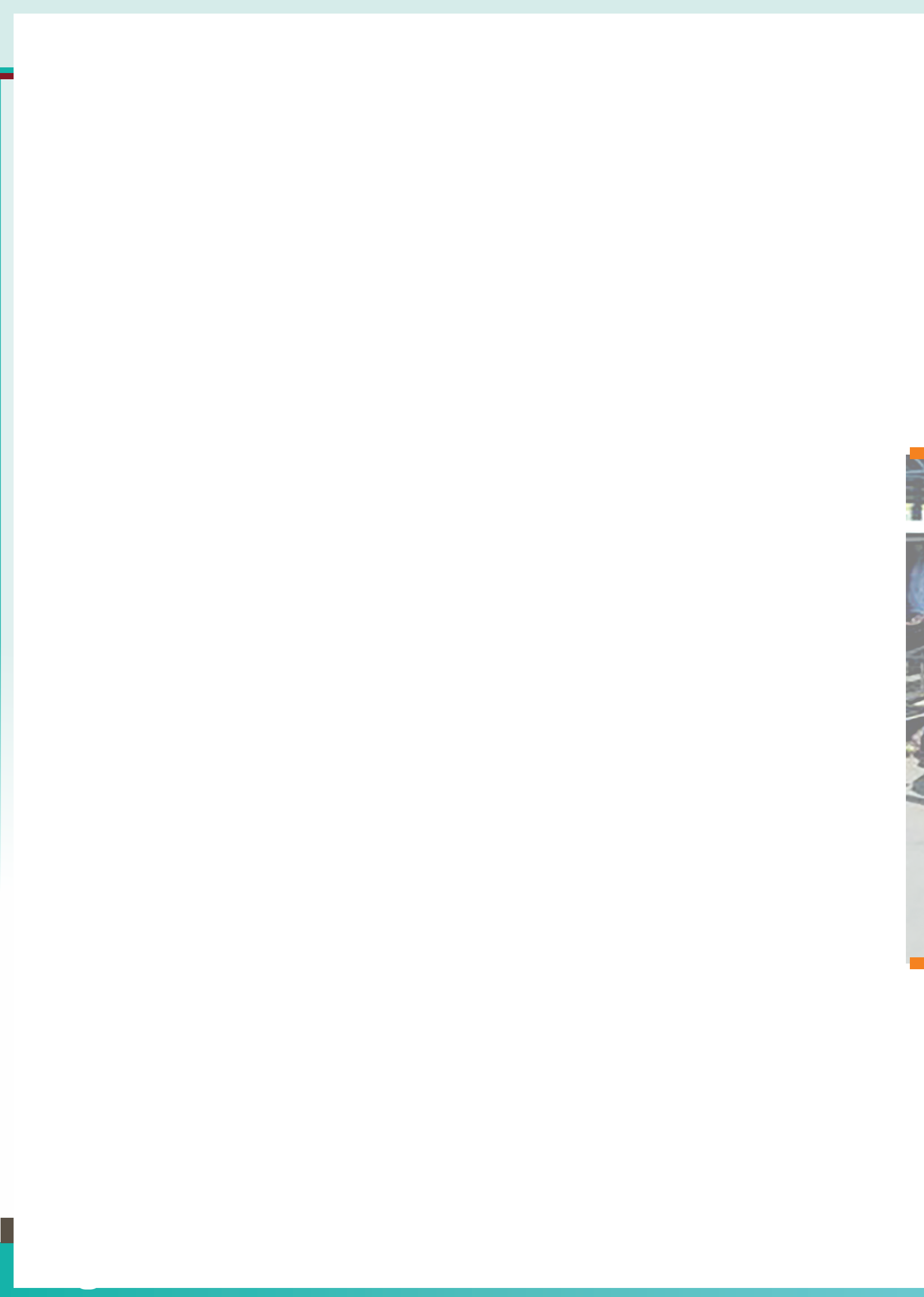


Institutional Preparedness for Urban Public Transport Reforms in Zambia

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Abbreviations and Acronyms

7NDP	Seventh National Development Plan
BRT	Bus Rapid Transit
CPTA	Central Public Transport Authority
FGDs	Focus Group Discussions
GRZ	Government of the Republic of Zambia
KIIs	Key Informant Interviews
LAs	Local Authorities
MLG	Ministry of Local Government
MTC	Ministry of Transport and Communications
MP	Member of Parliament
PSVs	Public Service Vehicles
PTAs	Public Transport Authorities
RDA	Road Development Agency
RTSA	Road Transport and Safety Agency
SI	Statutory Instrument
ZIPAR	Zambia Institute for Policy Analysis and Research

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EXECUTIVE SUMMARY

In 2013, the Zambia Institute for Policy Analysis and Research (ZIPAR) published a paper on the state of public transport in Lusaka titled *“Trip Modelling and Cost Analysis for Urban Public Transport Systems for the City of Lusaka”* (ZIPAR, 2013). The paper assessed the efficiency and effectiveness of the public transport system in Lusaka City. After highlighting the successes and challenges of Lusaka’s public transport system, the report proposed some reforms to improve the service. The proposed reforms included enhancing urban bus services regulation, usage of higher passenger capacity vehicles, common ticketing system and route restructuring.

In 2017, the Ministry of Transport and Communications (MTC) announced Government’s intention to introduce managed bus services and to switch to larger buses in the urban public transport systems but little has been done about it. This paper assessed the overall preparedness of the urban public transport institutions to effectively support the proposed reforms towards more sustainable mobility of passengers and goods.

The study adopted a qualitative two-staged desk review process. The first stage involved the review of all relevant urban public transport laws and policies and through that assess the strengths of the public transport institution they support. The second stage consisted of the review and analysis of public transport reform case studies from other jurisdiction and draw lessons for Zambia. The UK case was used to draw lessons on successful and recurrent public transport reforms while the Ghana case was selected to show an example of reforms in a similar Sub-Saharan regional context and to learn from their shortcomings. Finally, a consultative meeting was organised to offer key stakeholders an opportunity to validate findings of the desk review.

The study found that the provision of public transport services was not well entrenched in National Development Plans (NDPs). Besides broad intentions of promoting a robust transport and communication networks for the country and the region at large as provided for by Vision 2030 and the Seven National Development Plan (7NDP), no specific measures are provided to address soft issues of management and regulation of public transport services. This is opposed to specific targets provided for in other areas of socio-economic interests such as waste and garbage disposal (GRZ, 2006). Further, the National Transport Policy (MTC, 2019) provides for the devolution of local transport amenities and service provision to councils, among other things, through the establishment of Public Transport Authorities (PTAs). Nonetheless, it is worth mentioning that the devolution of these responsibilities to Councils without corresponding resource capacitation may not yield expected results (GRZ, 2002).

On the institutional and legal frameworks, the current administration of public transport in Zambia has no clear lead institution and is masked with uncertainty (MTC, 2018). Instead, several key institutions share responsibilities in its regulation and coordination, with MTC as the custodian of overall transport policy. Other key institutions include Ministry of Local Government (MLG) and all its Councils, the Road Transport and Safety Agency (RTSA) (the implementing agency of MTC on road transport matters), and Zambia Police. This set up has created coordination issues and ultimately overlaps of mandates and responsibilities.

Analysis of the legal frameworks to assess the strength or weakness of public institutions based on a linguistic approach yielded conflicting results. On one hand, the statutory instruments were grammatically well coded as rules, and thus according to the rules of the syntax (Basurto, et al., 2009) (Meakin, 2004), are considered strong, legally deterrent enough to discourage any rational member of society from contravening these regulations. On the other hand, coded sections of the laws (Road Traffic Act No. 11 of 2002 and the Local Government Act of 2010) only contained norms without rules, suggesting that institutions responsible for public transport such as Councils and RTSA cannot be held accountable for

failing to perform and/or fulfil their duties and mandates. This reveals institutional weakness on the part of these institutions, especially with regard to ensuring accountability for their mandates and responsibilities.

Lastly, the study revealed possible obstacles to proposed reforms that Government has to look out for. These include inadequate resources, resistance from stakeholders and weak enforcement of regulations.

The paper makes the following two-tiered sets of recommendations to strengthen the capacities of public institutions mandated to spearhead public transport reforms:

Key recommendations

1. The Government needs to clearly delineate local public transport structure and appoint a lead institution to superintend over public transport affairs;
2. The Government should strengthen legal instruments that establish public transport institutions; and
3. The Government should provide capacity to Councils in order for them to discharge their mandate effectively.

Other recommendations

1. The Government should prioritise local public transport plans and strategies in future development plans;
2. Ensure extensive consultation of stakeholders before implementation of reforms; and finally;
3. Integrate, where appropriate, intermodal infrastructural facilities for public transport in ongoing road infrastructure projects.

1.0 INTRODUCTION

Public transport can be defined as a transport system that allows group travel for the general public, with transport vessels such as buses, cable cars, trams, light trains, etc., operating on fixed schedules and established routes, and charging passengers predetermined fares (Cross, 2016) (Zhang, Martens, & Long, 2017). In this paper, the term public transport refers to intra-city minibuses that transport passengers and goods within cities like Lusaka and towns in Zambia. These minibuses as opposed to the standard definition above operate without fixed schedules or routes, depending among other things, on demand.

In 2013, the Zambia Institute for Policy Analysis and Research (ZIPAR) published a paper on the status of public transport in Lusaka titled “*Trip Modelling and Cost Analysis for Urban Public Transport Systems for the City of Lusaka*” (ZIPAR, 2013). The paper assessed the efficiency and effectiveness of the public transport system in Lusaka City. It highlighted the successes and challenges of Lusaka’s public transport system. Among these successes were the general increase in the number of passenger seats available, satisfactory service, frequency, and overall profitability for bus operators. The challenges included poor service quality, inefficient route configuration, unaffordable passenger fares and a substantial influence on traffic congestion in the city. These challenges were causing many people to shun public transport. Those that could afford private motoring resorted to this form of transport while the rest opted for either non-motorised transport such as cycling or walking long distances altogether.

The report further proposed some reforms to improve the public transport system. These included enhancing urban bus services regulation, usage of higher passenger capacity vehicles, common ticketing system and route restructuring. At the peak of the debate in 2017, Honourable Brian Mushimba, MP, then Minister of Transport and Communications, announced the intention of the Government to introduce managed bus services and switch to higher passenger capacity vehicles in the urban public transport system. The pronouncement has generated mixed reactions in the media, with some supporting and others opposing the intention.

Since the publication of the 2013 paper (ZIPAR, 2013), debate has continued, and no meaningful change has occurred in the state of public transport system apart from the proposed establishment of Public Transport Authorities (PTAs) in every council in Zambia as stated in the new National Transport Policy (MTC, 2019). This paper therefore assesses the overall preparedness of the urban public transport institutions to effectively support reforms in line with the Government’s pronouncements to promote sustainable mobility of passengers and goods.

1.1. Motivating the Study

An efficient public transport system underpins the economic development of urban areas and provides several benefits. These include improvement of household financial status, improving accessibility for special groups (e.g., pupils and students, the elderly and disabled), reducing congestion and travel time, conservation of energy, and protecting the environment and promoting public health (GRZ, 2016) (Cross, 2016) (ILO, 2013). In Zambia, more than 97% of households in urban areas depend on one form of public transport or another for mobility (CSO, 2015). With Zambia’s urban population projected to reach 10.7 million by 2030 from a base of 7.2 million at 2018, the demand for public transport is only expected to increase. On the other hand, there is wide recognition that public transport service delivery in Zambia is severely inadequate, thereby limiting its use (MTC, 2018).

Further, stakeholders’ concerns about capacities of the institutions with the mandate to manage public transport and how to deal with the probable distribution of costs and benefits are still largely unattended to (MTC, 2019). For instance, Local Authorities are either financially or technically unequipped to implement reforms to improve the urban public transport system in Zambia.

Thus, understanding the institutional framework for public transport service delivery in Zambia, its capacity challenges and legal support may be an imperative for institutional strengthening before any meaningful investment is made to steer any reform. The strength of any institution is contingent on the policy and legal foundations that underpin its establishment. Disregarding the status of such foundations in designing reforms can result in less than desired social and economic outcomes.

1.2. Study Objectives

The general objective of the study is to assess the readiness of institutions that manage the urban public transport system to support proposed reforms. Specifically, the paper seeks:

- i. To determine whether institutions are adequately supported by their legal frameworks to discharge their mandates;
- ii. To explore existing gaps between the institutional mandates and practices of key institutions in the public transport system; and
- iii. To determine the levels of capacity of institutions to effectively discharge their mandates.

The rest of the paper is structured as follows: *Section Two* briefly discusses transport policies and plans while interrogating how they relate to public transport. *Section Three* assesses the adequacy of the legal and institutional frameworks for public transport. The strength and weakness of public transport institutions is discussed in *Section Four* before a brief analysis of reviewed public transport reform cases studies in *Section Five*. Some prerequisites for successful implementation of reforms are presented in *Section Six* while possible obstacles to reforms are discussed in *Section Seven*. The paper concludes and proposes recommendations in *Section Eight*.

1.3. Methodology

This paper is mainly based on a qualitative two-staged desk review process. The first stage involved the review of all relevant urban public transport laws and policies, while the second stage consisted of the review and analysis of public transport reforms in other countries. In addition, a consultative meeting was organised to offer key stakeholders an opportunity to validate findings of the desk review using a written questionnaire.

Review of Urban Public Transport Laws and Policies

This stage used the linguistic approach in analysing institutional forms. The focus was on institutional statements from laws and policies governing the urban public transport system in Zambia.

Box 1: The Grammatical Syntax for Analysing Institutional Statements

The Grammatical Syntax used to code institutional statements in this paper was developed and introduced by a dual team of researchers; Sue Crawford and Elinor Ostrom in their 1995 paper titled “The Grammar of Institutions”. The syntax is part of the institutional analysis and development (IAD) framework used for examining institutional statements into strategies, norms and rules.

The syntax is an acronym of letters “**ADICO**” which stands for attribute (A), deontic (D), aim (I), condition (C), and or else (O) statement. An **attribute** is the individual or organization to which the institutional statement applies. It includes the subject and the descriptions of the subject. If the subject is an individual, then the attribute might include descriptions such as age, sex, or position. For organizations, the attribute might include organisational descriptions such as size. The **deontic** is the prescriptive operator of an institutional statement that describes what ideally is permitted, obliged, or forbidden. It is usually indicated by words such as **may, must, should**, or their negative counterparts. The **aim** describes the *goal or action* of the statement to which the deontic refers. It includes all descriptions about the process and goals of the action, such as what action is conducted and how the action is conducted. The **condition** represents the operators *when* and *where* for which the aim is allowed, required, or forbidden. It is signified by words such as **when, where, if, and unless**. Finally, the **or else** operator is the punitive action if the rule is not adhered. It specifies what follows if the instructions are not followed.

Different combinations of the syntax form the three institutional statements; **strategy, norm** and **rule**. A strategy includes the attribute, aim, and a condition (**AIC**), while a norm is made up of an attribute, deontic, aim, and condition (**ADIC**). On the other hand, a rule is constituted by all combination of the syntax; that is an attribute, deontic, aim, condition, and or else (**ADICO**) statement. The more norms and rules a statement contains, the stronger it is considered to be. An example of the application of this syntax is presented below.

“**You must stop your car at a red light or the police officer will give you a traffic ticket.**” In this statement, the attribute = “**you**”; deontic = “**must**”; aim = “**stop your car**”; condition = “**at a red light**”; and the or else statement (what happens when the rule is not followed) = “**the police officer will give you a traffic ticket.**” In this case, the statement is coded as a rule because it consists of all “**ADICO**” combinations of the syntax.

Since its introduction in 1995, the syntax has proved valuable in analysing the strength of institutions. It has been used by researchers the world over to analyse policy statements. For instance, Basurto et al., 2009 applied the syntax to analyse the US Transportation Policy (Section 134) based on the 2002 amendments.

The study began by identifying institutional statements and then appropriately coding them as norms, strategies or rules according to their linguistic components (Ostrom, 2011). Box 1 gives a systematic guide on how to apply this analytical tool in reviewing institutional forms through their legislations. The coding of institutional statements enabled the analysis to judge the strength and/or weakness of considered statements, depending on how many strategies, norms and rules that each statement had.

The more the norms and rules a statement has, the stronger the institution is and vice versa (Ostrom, 2011) (Basurto, et al., 2009). This sets the context for analysing the strength or weakness of formal institutions set up to manage and regulate public transport services in Zambia.

The start of the analysis was identification of relevant legislation relating to public transport, especially those intermediating between constitutional principles and structural matters of organisation/individual behaviours. These included, the Road Traffic Act No. 11 of 2002; Statutory Instrument (SI) No. 36 of 2013 on Road Traffic (Public Service Vehicles) Regulations; the Urban and Regional Planning Act No. 3 of 2015; Local Government Act of 2010, Chapter 281 of the Laws of Zambia; and the Markets and Bus Stations Act No. 7 of 2007, among others.

Further, the study reviewed the new National Transport Policy (MTC, 2019) and the draft National Transport Master Plan. This is because these documents contain vital institutional intentions that affect the sub-sector. Moreover, public transport institutions can only be effective in discharging their mandates if they are supported by coherent policies and strategies (Meakin, 2004).

Public Transport Reform Case Studies

The study also uses case studies to draw lessons on institutional and legislative rigor of public transport reforms. This paper reviewed case studies of public transport reforms of the UK and Ghana. The sampling of the countries was partly based on the availability of information about their reforms and partly on the relevance of their reform processes. The UK case is used to draw lessons on successful and recurrent public transport reforms while the Ghana case is selected to show an example of reforms in a similar context within the Sub-Saharan region and to learn from their failures. A detailed presentation of the case studies is provided in the Annex.

In a subsequent paper, key informant interviews (KIIs) will be conducted for key stakeholders to further triangulate the findings contained in this paper. This activity will culminate into a report outlining a road map for effective implementation of urban public transport reforms.

2.0 PUBLIC TRANSPORT NOT DEEPLY ENTRENCHED IN GOVERNMENT POLICIES

Public transport in Zambia is governed by a set of policies and plans which articulate the intentions of Government for social and economic development. Key among these are the Vision 2030, Seventh National Development Plan (7NDP), National Transport Policy, and the draft National Transport Master Plan.

2.1. Vision 2030

The Vision 2030 is Zambia's first-ever long-term development plan to which different short and medium-term national development plans anchor. The Plan asserts that the people of Zambia aspire to live in a strong and dynamic middle-income industrial nation that provides opportunities for improving the well-being of all (GRZ, 2006). According to the Vision, such a nation would be characterised by, among others, a robust and competitive transport and communications network that supports not only Zambians but the entire region too.

Notwithstanding the vision of robust transport and communication network for Zambia, Vision 2030 is silent on the necessity and urgency of providing efficient public transport services required as the community grows. This is surprising given that Vision 2030 is founded primarily on the principle of sustainable development, which places intergenerational equity at the centre of all environmental, social, and economic decision-making (Emas, 2015).

With a population projection of 23.6 million people by 2030 and the rising level of motorisation, the necessity of improved public transport systems cannot be overstated (CSO, 2013) (Ghate & Sundar, 2004). On strength of the goal to transform Zambia into a transportation hub in the region, the Vision should have addressed issues of mandates and targets among institutions responsible for public transport in Zambia, like it does other areas of socio-economic interest such as waste and garbage disposal (GRZ, 2006).

2.2. Seventh National Development Plan (7NDP)

7NDP is Zambia's socio-economic development plan for the period 2017 - 2021. In its quest to attain a diversified and resilient economy, and creating decent employment opportunities for all Zambians, the Government recognised the important role efficient transport systems play in this socio-economic transformation. Reliable and affordable transport systems are recognised as enablers of growth with crosscutting benefits to all other sectors of the economy. Development Outcome 6, under the pillar on economic diversification and job creation targets improved transport systems and infrastructure (GRZ, 2017). Strategies under the outcome include, among others, the construction and rehabilitation of road networks countrywide (GRZ, 2017). Specific programmes under this strategy include the Pave Zambia 2000, the Lusaka 400 (L400) and Copperbelt 400 (C400).

Despite these programmes leading to the rehabilitation of most urban roads in Lusaka and Copperbelt provinces, construction designs were not specifically targeting improvement of urban public transport services. This is shown by, among others, lack of intermodal infrastructure to allow mode shift (MTC, 2019), absence of dedicated bus lanes even on newly built roads, inadequate walking and cycling tracks along most urban roads, and low penetration into poor areas that would greatly benefit from public transport services (TRA, 2016).

Lastly, the 7NDP does not address soft issues of public transport services provision such as management and regulation. This lack of strategies to address the management of urban public transport services at the highest levels partly accounts for the perpetuation self-regulation of the sub-sector (MTC, 2019).

2.3. National Transport Policy (2019)

The new National Transport Policy with the Vision “to provide sustainable, efficient, safe and integrated transport systems making Zambia a regional transport hub by 2028” provides the general direction for development of the transport sector. It has strong linkages with 7NDP regarding transport infrastructure development. The Policy underscores the need for optimum road infrastructure for public and non-motorised transport systems in both urban and rural areas. The Policy addresses both systemic and operational issues including scarcity of financing and overlaps of mandates characterising institutions in charge of urban public transport.

Unlike Vision 2030 and 7NDP, the National Transport Policy considers public transport services a priority area for socio-economic development and it gives specific measures to improve the services. For example, the Policy aims at promoting devolution of basic transport infrastructure and service provision to councils by establishing Public Transport Authorities (PTAs) at local levels (MTC, 2019).

Further, the Policy recognises the institutional impediments to public transport development. It thus, endorses harmonisation of all legislation governing the road sector to minimize overlap of mandates and improve adherence to core mandates, and promote the development of road transport services and amenities that meet global safety standards (MTC, 2019). That means, for instance, the Public Roads Act No. 12 of 2002 should be consistent with the Local Government Act Cap. 281 of 2010.

Devolution of local transport amenities and service provision to councils matters because they are better placed to understand the transport needs of their respective jurisdictions. However, devolution of these functions to Councils without the corresponding financial capacitation will not yield expected results (GRZ, 2002). Lastly, the policy does not provide an effective framework for regulating the local public transport management structures, a situation that must be addressed because most councils do not have the expertise to monitor and evaluate public transport service provision and offer other necessary technical backstopping (MTC, 2018).

2.4. Draft National Transport Master Plan (2018 – 2037)

The draft Master Plan presents an action plan for investments in transport infrastructure and services, as well as proposing institutional reforms for the country for the period 2018-2037 (MTC, 2018). The Master Plan recognises the important role public transport plays in easing the movement of all people, as opposed to private motoring. The Master Plan thus, endorses increased investments in public transport utilities for improved and sustainable mobility of people.

To improve public transport administration, the draft Master Plan suggests establishing a national level public transport institution under MTC to oversee public transport administration – including PTAs (MTC, 2018). If this proposal will be retained in the approved Master Plan, PTAs will have better chances of succeeding in delivering on their mandates because they will receive technical support from the national administration as stated in Section 3.3 above.

3.0 UNCLEAR INSTITUTIONAL FRAMEWORKS FOR PUBLIC TRANSPORT ADMINISTRATION

This part of the paper assesses the adequacy of the legal and institutional frameworks of institutions mandated to implement public transport policies and plans.

Management Responsibility for Public Transport Scattered across Institutions

Currently, administration of public transport in Zambia has no clear lead institution and is masked with uncertainty (MTC, 2018). Instead, several key institutions share responsibilities in its regulation and coordination, with the Ministry of Transport and Communications (MTC) as the custodian of overall transport policy. Other key institutions include Ministry of Local Government (MLG) and all its councils, the Road Transport and Safety Agency (RTSA), and Zambia Police. Table 1 below shows the mandates of the main institutions responsible for public transport.

Table 1: Institutions Responsible for Managing Public Transport

Responsible Institutions	Laws and/or Legislations	Salient Features
Ministry of Transport and Communications (MTC)	The Constitution of Zambia (Amendment) Act No. 2 of 2016 provides functions of national, provincial and local government levels (through appropriate ministries, agencies, departments, etc.).	Article 147(2) of the Amended Constitution stipulates certain functions to be provided by the State. These include: provision of public roads; provision of public transport and road traffic regulation.
Local Authorities, Ministry of Local Government (MLG)	The Local Government Act (2010), Chap. 281 of the Laws of Zambia mandates Local Authorities (Councils) to provide certain services to the public; including public transport services.	Section 61 (38) mandates councils “to establish and maintain a public transport service”.
Road Transport and Safety Agency (RTSA)	The Road Traffic Act No. 11 of 2002 established RTSA, set out its composition and defined its powers and functions.	Some of the functions of RT SA according to the Act include: registration of motor vehicles and trailers; vehicle licensing; and licensing of drivers of motor vehicles and driving schools.
Zambia Police (ZP)	The Zambia Police Act Chap. 107 of the laws of Zambia accords the Zambia Police powers to keep order on public roads.	Section 21 (1) states that “it shall be the duty of the Force to regulate and control traffic; to divert all or any particular kind of traffic...”.

3.1. Ministry of Transport and Communications (MTC)

MTC’s primary role is to provide general leadership in transport policy and other relevant technical assistance to persons, institutions and Government agencies and ministries on transport related matters. The Constitution of Zambia, Amendment Act No. 2 of 2016, mandates the State, through its ministries and agencies, to supply amenities and services to the public. Amenities and services like public roads, public transport, and traffic regulation are provided by MTC through its

respective departments. The Ministry is also overseeing a sizeable share of planning, designing and implementation of transport policies, programmes and legislations. For example, the Ministry has developed the new National Transport Policy and proposed a National Transport Master Plan. Thus, MTC's role in management and provision of public transport is mostly at higher administrative levels; at the design, monitoring and evaluation of policies (MTC, 2019). Public transport policy implementation and management are mainly managed by its agency - RTSA.

3.2. Road Transport and Safety Agency (RTSA)

RTSA is a statutory body established by the Road Traffic Act No. 11 of 2002. The functions of RTSA are set in Section 4 of the Act which include, among others: implementation of policy on road transport; traffic management and road safety; registration of motor vehicles (both private and public service vehicles); issuing licences and permits for drivers, motor vehicles and driving schools; coordinating road safety programmes; and conducting road safety education.

Registration of public services vehicles (PSVs) by RTSA for operation at local levels constitutes an overlap of mandate with councils. According to the Local Government Act (2010), Chap. 281 of the Laws of Zambia, it is the duty or function of Local Authorities (councils) "to establish and maintain a public transport service". This function includes registration of PSVs, issuance of operating licenses and permits and assigning specific routes to service providers. As it stands, RTSA registers PSVs at entry into the country and re-registers them to issue permits to operate locally instead of Councils.

Through the National Transport Policy, the Government resolves to address the obvious mandate overlaps that constrain services delivery. The overlap of mandates has created room for neglect in public transport service provision and regulation. As is the case, the market is left to self-regulation. For instance, PSVs are currently not sufficiently monitored, not assigned specific routes to operate on, and not given the minimum level of service required prompting each operator to choose what quality of service to offer the commuting public (MTC, 2018).

3.3. Councils

Section 61 of the Local Government Act (2010), Chap. 281 of the laws of Zambia mandates Councils to supply public transport services. Specifically, Section 61 (38) mandates Councils to establish and maintain a public transport service while Section 61 (19) obliges them "to take measures for the promotion of road safety". It is therefore within the purview of Councils to establish and operate public transport services and designate roads and facilities for its use. In addition, the Markets and Bus Stations Act No. 7 of 2007 accords powers to Councils to establish and manage bus terminals. Further, Section 29 (c) of the Urban and Regional Planning Act of 2015 provides that "a council may carry out the construction and maintenance of roads, ...as it may consider necessary or desirable".

Despite the huge mandated placed on them, most councils countrywide lack the financial muscle and the necessary professional capacity to properly deal with their increasing responsibilities of providing services, including public transport (MTC, 2019). This is partly the reason for the overlaps of mandates whereby the relatively better-resourced RTSA has taken over some functions that were supposed to be performed by Councils such as issuing of PSV permit to operate at local levels. The resource deficiency in most Councils partly explains why the establishment of PTAs in Councils will start with cities, followed by municipalities and eventually rolled out to district councils (MTC, 2019).

3.4. Road Development Agency (RDA)

RDA was established by the Public Roads Act No. 12 of 2002, to mainly plan, manage and coordinate the road network in the country. While the Public Roads Act recognises the jurisdiction of Councils over rural and urban roads, overall charge for public roads in Zambia still lays with RDA (MTC, 2019). In fact, Section 39 of the Public Roads Act gives conditions under which RDA may usurp the mandate of other road authorities.

For instance, it says, "..., provided that if any road authority fails to maintain any road or a part of it lying within its jurisdiction, the Agency (RDA) may, after giving notice to the road authority, arrange for the works to be executed in such manner as the Agency shall direct". This situation has at times led to priority and design misalignment between RDA and Councils because of different core mandates. Although RDA has no direct role concerning public transport, public transport relies heavily on roads supplied by RDA. As a result, councils' exertion in provision of roadways for public transport is negligible.

3.5. Zambia Police

Zambia Police has no direct role in the provision of public transport but is mandated to keep order on public roads. The mandate is important when the notion of improved public transport regulation comes to the fore. According to the Zambia Police Act Chap. 107 of the laws of Zambia (Section 21 (1)), "it shall be the duty of the Force to regulate and control traffic" – a road safety enforcement activity which it shares with RTSA. The overlap of road safety enforcement and traffic control mandates between Zambia Police and RTSA hitherto resulted in sub-optimal allocation of resources, institutional mix-up and limited coordination between the two institutions (MTC, 2019).

3.6. Auxiliary Legislations on Public Transport

Below are supplementary legislations on public transport. Operators must adhere to these legislations for the maintenance and improvement of road safety and service quality, and efficiency and maximisation of social and economic gains.

i. Statutory Instrument (SI) No. 79 of 2016

SI No. 79 of 2016, differently cited as the Road Traffic (Seat-Belt and Child Car Seat) Regulations of 2016, was enacted to enhance road safety. It decrees the fitting and fastening of seat-belts by all passengers in a vehicle. Its relevance is on the non-exemption of local public transport vessels from use of seatbelt. It thus places a requirement on what type of vehicle may be registered as a public vehicle. Regulation 3 (1) stipulates, "a person shall not travel in a motor vehicle without fastening the seat-belt".

However, given the situation where most mini-buses operating as PSVs did not have seat belts at the time the SI was enacted, a grace period of up to 31 December 2018, was given for owners of these vehicles to fit seatbelts or simply import news ones with already fitted seatbelts (RTSA, 2017). The Government, through MTC while working together with Ministry of Finance, promised to devise some tax relief mechanisms to ease the replacement of all PSVs without seatbelts by end December 2018 (ibid). That said, it is worth noting that the stipulations of the directive conflicts with universal designs of urban commuter buses that allow for standing passengers (VOSA, 2012). Therefore, commuter buses with standing allowance will have to be exempted from the regulation when they enter the market.

ii. Statutory Instrument (SI) No. 39 of 2013

Cited as the Road Traffic (Public Service Vehicles) Regulations of 2013, the SI requires the certification and licensing of public service vehicles (PSVs) by RTSA. Regulation 7 (7) provides that “a person who uses on a road any vehicle upon which the relevant identity certificate is not displayed in accordance with this regulation commits an offence and is liable to a fine...” In addition, PSVs are required to portray certain features that distinguish them from private motor vehicles such as having a red registration number plate. Further, Regulation 15 (1) states that, “a motor omnibus or taxicab shall be identified by the use of an orange reflective ribbon...”.

Lastly, the SI addresses driver responsibilities. For instance, Regulation 14 (1) mandates that, “a driver or conductor of a motor omnibus shall take all reasonable precautions to ensure the safety of passengers, ...”. However, the SI does not require or provide for the presence of inspectors in public service vehicles to ensure safety, comfort and service level compliance as part of the bus crew.

iii. Statutory Instrument (SI) No. 76 of 2016

Otherwise cited as the Road Traffic (Public Service Vehicles) (Restriction on Night Driving) Regulations of 2016, the SI restrict the movement of PSVs from 21:00 in the evening to 05:00 in the morning. Regulation 3 (1) states that, “a person or an owner of a public service vehicle shall not use the public service vehicle or cause or permit the public service vehicle to be used between 21:00 hours and 05:00 hours”. Thus, the SI is in opposition to the perceived need to have public transport services accessible on a 24-hour basis in major cities.

4.0 SYNTAX CODING OF INSTITUTIONAL STATEMENTS

Having satisfied concerns relating to the institutional mandates and coverage of laws for the administration of public transport services, the paper now focuses on the adequacy of the laws that support provision of public transport in Zambia. This section thus presents findings on the grammatical adequacy of the relevant laws forming or governing the operations of the public transport institutions. The following five Zambian legal instruments were chosen for this analysis because they directly affect the operations of PSVs of which urban public transport is a part:

- i. Road Traffic Act No. 11 of 2002;
- ii. Local Government Act (2010), Chap. 281 of the Laws of Zambia,;
- iii. Road Traffic (Public Service Vehicles) Regulations of 2013;
- iv. Road Traffic (Public Service Vehicle) (Restriction on Night Driving) Regulations of 2016; and
- v. Road Traffic (Seat-Belt and Child Car Seat) Regulations of 2016.

The first two legal instruments are Acts of Parliament while the rest are statutory instruments. An example of a coded institutional statement is provided in Table 5 in the Annex.

4.1. Summary of Coding Results

Generally, results from the analysis of public transport institutional statements (legal frameworks) show that on one hand, the statutory instruments are commonly grammatically well coded as rules, with clear attributes, deontic, aims, conditions, and or else components, qualifying them as strong institutional statements. They have more rules than norms or strategies. On the other hand, the two Acts were weakly grammatically coded, giving more norms and practically no rules. Rules are the basic requirements for establishment of strong institutions. Rules will often only become ineffective when there is no enforcement or there are stronger informal institutions functioning contrary to set rules. Table 2 below shows the summary of results for the coded institutional statements.

The Road Traffic (Public Service Vehicles) Regulation of 2013 was coded into 96 rules, five norms and no strategies. Eleven units of observation were disregarded for coding according to the coding procedures as they presented the “or else statements” for the rest of the regulations. The Road Traffic (Public Service Vehicle) (Restrictions on Night Driving) Regulations of 2016 had four units of observation culminating into two rules.

Table 2: Summary of Coded Laws and Regulations

No.	Regulations	UoB	Dis-regarded	No. of Strategies	No. of Norms	No. of Rules
1	Road Traffic (Public Service Vehicles) Regulation, 2013	112	11	0	5	96
2	Road Traffic Act No. 11 of 2002	24	0	0	24	0
3	Local Government Act (2010), Chap. 281 of the Laws of Zambia	10	0	0	10	0
4	Road Traffic (Public Service Vehicles) (Restrictions on Night Driving) Regulations, 2016	4	2	0	0	2
5	Road Traffic (Seat-Belt and Child Car Seat) Regulation, 2016	7	2	0	0	5
	Total	157	15	0	39	103

The remaining two units were disregarded for coding as explained earlier. Thus, the SI had no strategies or norms. Finally, the Road Traffic (Seat-Belt and Child Car Seat) Regulations of 2016 had seven units of observation coded into five rules while the remaining two units were disregarded. Consequently, no strategies or norms were observed (Table 2).

Analysis of the Road Traffic Act No. 11 of 2002 focused on PART II, Sections 3 and 4, which address the functions and powers of RTSA. From these, the analysis identified 24 units of observation. Results shows that all 24 units of observations were norms. In the same way, all the 10 units of observations addressing transport issues from the Local Government Act (2010), Chap. 281 of the Laws of Zambia were norms.

4.2. Weak Institutional Mandates for Public Transport

As earlier mentioned, the strength or weakness of a public institution is judged by the number of strategies, norms or rules that form its institutional statement (Basurto, et al., 2009). The more rules and norms (i.e., the less strategies) in an institutional statement, the stronger the institution and vice versa.

Regulations Strong to Deter Unlawful Behaviour from Motorists

Overall, analysed statutory instruments contained more rules and norms than strategies. All three SIs have a 'penalty phrase' towards the end (the 'or else statement according to the grammatical syntax) explaining the cost of liability for actors that choose to contravene the regulations. Thus, according to the rules of the syntax, these regulations can be considered as strong, legally deterrent enough to discourage any rational member of society from contravening these regulations. For instance, the Road Traffic (Public Service Vehicles) Regulation of 2013 has a general penalty stating that, "a person who commits an offence under these Regulations for which no penalty is provided is liable, upon conviction, in the case of a first offence, to a fine not exceeding 300 penalty units; and second or subsequent offence, to a fine not exceeding 1,500 penalty units or to imprisonment for a period not exceeding three months, or to both".

Nonetheless, Legal Loopholes Leave Responsible Institutions Unpoliced

However, coded sections of the two laws (the Road Traffic Act No. 11 of 2002 and the Local Government Act (2010) Chap. 281 of the Laws of Zambia) only contained norms. According to the grammatical syntax for analysing institutional statements (Basurto, et al., 2009) (Meakin, 2004), this does not suggest weakness itself for norms are better than strategies. Nonetheless, the fact that these Acts were not coded into rules suggest some form of legal laxity on the part of responsible institutions. As stated earlier, the coded sections addressed the functions and/or duties of Councils and RTSA. The lack of rules in these sections mean that responsible institutions cannot be held accountable for failing to perform and/or fulfil their duties and mandates.

For instance, in Section 61(38), the Local Government Act (2010) states that "a council may discharge all or any of the functions..." which includes "to establish and maintain a public transport service". In the way the wording of the Act has been couched, Councils **may or may not** perform those duties and the absence of 'or else statements' in the Act also entails that they cannot be held accountable to the failure thereof. In the same vein, Section 3 and 4 of the Road Traffic Act No. 11 of 2002 which accords RTSA its functions and powers do not contain 'or else statements' to qualify them as rules. In fact, Section 4(3) of the Act allows RTSA to delegate any of its functions to its members or committee if it sees fit.

In summary, this means that regulators are themselves not policed on their performance by the same laws and regulations that deter unlawful behaviour from motorists. Given the poor state of urban public transport in Zambia, these ‘legal loopholes’ need to be addressed before implementation of any meaningful reforms in the system. Correspondingly, proposed reforms in urban public transport should be accompanied by strong legal reforms defining clearly the roles and responsibilities of responsible institutions. Mechanisms to ensure that the latter are monitored on their performance should also be enshrined therein. Only then can the country hope to establish and maintain a quality, accessible and affordable public transport system.

5.0 CASE STUDIES FOR PUBLIC TRANSPORT REFORMS

This section presents case studies on two public transport reforms reviewed. These include British reforms and the Sub-Saharan context (mainly Ghana reforms).

5.1. British Public Transport Reforms

Britain in the period from 1980s onwards to around early 2000s has instituted several momentous public transport reforms in response to the declining bus patronage. Although the period was the busiest with the reforms, the reorganisation of the public transport system in Great Britain dates as far back as the 1930s with swings between private ownership and deregulation, and public ownership and regulation. A brief chronology of these reforms is presented in Table 3 in the Annex. Literature suggests that public transport reforms in a system will continue until an economically efficient and equitable industry is attained (Preston, 2001) (Caris, 2016).

British public transport reforms have produced mixed results. In some areas, they have succeeded in increasing bus patronage while in others, they have not. Further, reforms associated with privatisation and deregulations have resulted in deterioration of the quality of service and substantial increase in fares. The passengers are the main losers of this kind of reforms while the suppliers and governments are the main gainers through reduction in cost of service and savings on subsidies respectively. Despite the various challenges associated with British public transport reforms, they have been held a model by many other countries in their reform processes. Most importantly, British transport reforms have been taunted for their rigor on accompanying legal frameworks which provided a firm basis for implementation as shown in Table 3 (Annex).

5.2. Sub-Saharan Africa Public Transport Reforms

While South Africa's Gauteng and Cape Town regions have enjoyed generous reform documentation and are presented as models of effective public transport reforms in Sub-Saharan Africa (SSA), very little documentation exists for ineffective attempts. In this regard, examples of ineffective reform attempts could provide valuable lessons for other countries. Thus, a brief analysis of the less successful Ghana reforms is provided below. Ghana's public transport organisation and reforms has striking similarities with Zambia's. Ghana's public transport reforms mainly focus on Accra because that is where most of the stimulation for reform trace.

In general, Ghana's public transport features nuance the spoke and hub of the British colonial transport planning framework. The city of Accra is a good example of a series of radial routes converging at the City's central business district (CBD). This is despite the City losing its compact form characterized by high population densities with mixed land use and highly concentrated residential patterns. The recent growth of Accra shows shades of a "network city" development pattern, with decentralised land use, lower population densities and suburban residential development which encourages motorisation. (Okoye, et al., 2010)

The urban city of Accra has a population of 2.4 million (2018 estimate) and about 90 vehicles per 1,000 population (Essel, 2016). The city clearly has some of the highest level of motorisation in SSA. Nonetheless, buses are still the most popular (70%) mode of travel for shopping and work followed by private cars (10%), and taxis (8%), with the Metro Mass Transit (MMT) carrying the lowest proportion of 0.3%. This exposes the inefficiency of private motoring concerning the amount of road space used, congestion caused, and inconveniences caused to the other road users. On the other hand, the public transport system was still characterised by poor service

quality and safety record. The self-regulation of the system through transport unions has failed to raise the operations standard and foster good practices. (World Bank, 2017)

Recently, the Government of Ghana (GoG), through the 2008 – 2012 Ghana Urban Transport project (GUTP), set out to reform road-based mass transit service delivery and infrastructure in Ghana's urban areas. This is over and above the long road of post-colonial public transport reforms in Ghana (see Table 4 in the Annex). GUTP was designed with five components namely;



In implementing the GUTP, GoG solicited the support of the World Bank, the French Development Agency and the Global Environment Facility (Okoye, et al., 2010). The highlight of the reforms was the Greater Accra Metropolitan Area (GAMA) BRT project which was supported by the World Bank. Regrettably, GAMA BRT project miscarried on its intended objective and instead transmuted to Quality Bus Services (QBS) (World Bank, 2017). The main reason for the failure was the weak institutional framework which could not support the BRT's particularly lack of legal status. The other reasons were recurring traffic congestion, inadequate comfort and personal security for passengers, resistance from existing public transport operators and limited publicity (Agyemang, 2015).

The important lessons from GAMA BRT is that success of future BRT systems rests on stronger institutions and extensive stakeholder consultation and participation. Deliberate measures must be put in place to incorporate the existing supply systems in the spirit of multi-modalism, and planning with the commuter in mind (Agyemang, 2015).

6.0 SOME PREREQUISITES FOR SUCCESSFUL IMPLEMENTATION OF REFORMS

Literature shows that successful implementation of reforms in public transport requires a set of preconditions to be satisfied. These include, among others, coordination among different institutions responsible for public transport services, strong institutional capacities at all levels, a system amenable to change, and the existence of political will to change things (Feye, et al., 2014) (Kumar & Barrett, 2008) (Meakin, 2004).

6.1. Improved Coordination of Mandate Bearers

Management of urban public transport requires input from several institutions. In Zambia, these include government ministries and their agencies, councils and Zambia Police. In addition, with the new National Transport Policy (MTC, 2019) in place, Public Transport Authorities (PTA) within councils will be created once the Policy is implemented. Notwithstanding the importance of particular mandates of institutions charged with managing public transport in one way or another, a coordination mechanism – secretariat – is essential for successful implementation of reforms (Feye, et al., 2014). Below are the reasons why:

Firstly, RTSA handles the registration of PSVs and issuing licences and permits for drivers and motor vehicles as mandated by the Road Traffic Act No. 11 of 2002. On the other hand, regulating entry in the market, allocating routes to service providers and regulating passenger fares is supposed to be performed by Councils (to establish and maintain a public transport service) as stipulated in the Local Government Act (2010), Chap. 281 of the laws of Zambia. Therefore, once PSVs are registered at national level and their permits for operating issued, it should be the duty of Councils to reregister them and assign specific routes of operation. Apart from being a requirement of the law (Local Government Act of 2010), this is important because Councils have far reaching structure at district level to elicit closer monitoring and regulation of the service than RTSA could. Thus, going forward, coordination between RTSA and Councils will be very important for better delivery of public transport services.

Secondly, RTSA is required to coordinate with the Zambia Police to keep order on public roads by regulating and controlling traffic as mandated by the Zambia Police Act, Chap. 107 of the laws of Zambia. Councils also must coordinate with RDA in the maintenance, rehabilitation and construction of public roads, especially in rural areas as stated by the Public Roads Act of 2002.

When key stakeholders were asked if there is any overlap of mandates in public transport administration in Zambia, an overwhelming majority agreed and urged public transport institutions to put in place a regulatory framework that clearly defines mandates and responsibilities for each institution. Key stakeholders also highlighted the need for extensive consultations by responsible institutions to avoid duplication of efforts before any major changes could be implemented in the sub-sector.

Consequently, enhanced coordination among the various mandate bearers will prove itself indispensable for the successful implementation of reforms. This entails clarification of mandates in advance. The assignment of mandates should be based on a combination of closeness to the demand and capacities of institutions. For instance, the distribution of institutional mandate in the quest to introduce higher occupancy buses could be done as follows: MTC develops vehicle, crew and operation standards and regulations and overseeing the transition (negotiation partnership

with the private sector to acquire the buses); RTSA ensures compliance with standards of motor vehicles and crew qualifications, vehicle and crew licensing; and Councils register operators, assigning routes, regular (vehicle, crew and service level) inspections, competition regulation, monitoring and evaluation; the private sector provides the services; and Zambia Police enforces traffic laws, and standards and regulation.

6.2. Strengthened Institutional Capacities

Kumar and Barret (2008), in an urban transport survey covering 14 African countries, argue that institutional weakness and disorganisation lie at the core of increasing transport problems in most African cities. They observed that poor planning and enforcement of transport reforms were a result of weak and inadequately staffed institutions. Meakin (2004) also advocates for effective supervisory institutions with sufficient capabilities and independence to undertake general planning, enforce regulations and provide technical guidance for the development of the industry.

According to the new National Transport Policy (MTC, 2019), one of the strategies to improve urban public transport services delivery is devolution of powers to manage the service at district levels. The implementation of proposed reforms will kick-off in cities first i.e., Lusaka, Ndola, Kitwe, Livingstone and Chipata (MTC, 2019). Yet as highlighted earlier, most Councils including cities neither readily have the resources nor the requisite technical knowhow to perform those duties. Hence, the efforts of devolving public transport service administration to Councils are likely to be undermined by the capacity inadequacies of these institutions.

Consequently, to effectively improve the management of public transport services, PTAs should be established and adequately resourced in terms of both human and financial resources. The paper proposes to continually resource PTAs through public transport operation service fees. In fact, when stakeholders were asked what measures could be implemented to raise revenue for the effective regulation of public transport, it was proposed that operators should be contributing a percentage of their annual revenues towards the administration and regulation of the sub-sector.

6.3. Formality of the System is Vital

Successful implementation of urban public transport reforms requires an environment that is amenable to change. However, in Zambia like most Africa countries, urban public transport systems are characterised by highly dispersed ownership structures, with most bus owners owning one or two buses at most which in turn are leased to drivers (Feye, et al., 2014) (ZIPAR, 2013) (UNDP, 2012) (Kumar & Barrett, 2008). The system is also occupied with many formal and informal bus operators, drivers and transport brokers' associations which further complicate the institutional framework (ZIPAR, 2013). Such multiplicity of operators and informal hierarchies make it hard to organise the players in the system and thus render the reform consultation process complex and problematic.

Thus, MTC ought to take the lead to organise the institutional framework by bringing all the associations to the negotiation table and listen to their voices and concerns (Obeng-Odoom, 2010). Each interest group should propose their own roles in the reform process and what other things must be done to ensure the success of the reforms.

Expectedly, the reforms will cause a lot of changes in the way public transport is managed. For instance, in-route competition by operators may not be allowed as each operator will be assigned specific routes (ZIPAR, 2013) so that they are answerable for the performance of that route. The competition will be on bidding for a license to service a particular route. Therefore, the various associations can organise themselves into cooperatives or partnerships with Government or other private entities to supply the desired service.

6.4. Political Commitment

Political will is indispensable in effecting social change. Stiglitz (2015) argued that even markets that are supposed to function on their own crumble under unsupportive regimes of government. In fact, the World Bank considers the lack of political commitment as a major risk factor that contributed to the failures of most reforms in many developing countries (Feye, et al., 2014). Consequently, whether proposed reforms in urban public transport will be successful or not largely depends on the commitment of the political class.

This is an important concern considering that reforms always result in social changes including loss of employment for some people and some equipment being rendered redundant. It is important that soon after the engagements with stakeholders have begun, Government through MTC and MLG begin to re-skill those players who may be net-losers of reform process. Despite the shortcomings of the current urban public transport system in Zambia, it provides employment and incomes for some people. Thus, the reform process has to find ways to reintegrate current players into the new system. Doing so will mitigate and/or avoid the political backlash that could be triggered by disgruntled stakeholders, potentially reversing reforms.

Auspiciously, the proposed reforms already have some political backing from MTC, as evidenced by the alluded Government pronouncements. As Kumar and Barret (2008) put it, political commitment is vital for garnering the public's support for reforms. Further, political commitment also acts as a favourable signal for the private sector to come on board to support the process. This is very important because government has limited fiscal space to make substantial investments in public transport capital projects and operations. Therefore, the most viable investment option is private capital either entirely or through public private partnership (PPP) arrangement (Caris, 2016) (Carlquist, 2003).

7.0 POSSIBLE OBSTACLES TO REFORMS

Besides the preconditions discussed above, responsible institutions also need to pay attention to a few issues that may potentially obstruct the implementation process. Three main possible obstacles are highlighted below. These are inadequate resources, resistance from some stakeholders and weak enforcement of regulations.

7.1. Inadequate resources

This is the greatest expected obstacle to the reform. Availability of resources can determine the levels of staffing, equipment and administrative systems the reforms will produce. For example, to buy a fleet of higher occupancy buses to service an entire city or region requires a substantial outlay of resources. Most local public transport service providers are not likely to have the capacity to purchase the equipment and finance the initial operations. Kumar and Barret (2008) found that private actors have proved incapable of raising enough capital except to purchase basic second-hand minibuses. One possible solution to this problem would be for the Government, through MTC, to facilitate government guaranteed credit facilities for operators to buy the buses or Government itself buying the buses which are then leased to the private operators. However, several issues could arise from this seemingly benevolent gesture.

Firstly, the Government may not have the resources needed to buy the required fleet at once (MoF, 2017). This could create short supply and traveller discontentment of the service. A stopgap measure of the reintroduction of small capacity buses into the system in order to meet demand would be detrimental to the reform process as that arms critics to stall the reforms.

Secondly, if the Government had the resources and somehow managed to procure the required fleet at its cost, the other questions that would arise are: what will Government's level of involvement be in the business? And would that mean re-establishment of the United Bus of Zambia (UBZ) era of Government managed bus services and then subsidies to cover the financial shortfall likely to resurface? In short, the issue of resourcing and financing reforms is critical because the implementation phase of the reform process hinges on it.

When key stakeholders were asked which institution should be responsible for the procurement of new urban public transport services, the majority suggested MTC stating that being the custodian of transport policy in Zambia, it was the duty of the ministry to do so. However, a few stakeholders suggested the private sector working together with councils should lead the process, explaining that such an approach will encourage competition and discourage a subsidy dependant public transport system.

Concerning the regulation of the new system, most stakeholders still placed the responsibility on MTC and RTSA. Stakeholders stated that regulation falls under policy which MTC is responsible for, and RTSA theoretically being an independent institution established by an Act of parliament (GRZ, 2002) and thus protected from Government interference, presented a non-compromised status that the new system could benefit from. Only a few stakeholders suggested Councils to be responsible for regulating the new system, stating that their proximity to the service will enable them to domesticate rules adequately for each situation. However, such a scenario means Councils should not provide the service if they assume the role of regulator to avoid conflict of interests.

That said, lessons from both developed and developing countries that have implemented similar reforms (i.e., introduction of higher occupancy buses) point to some form of hybrid system (Mehniratta & Rodriguez, 2017) (Caris, 2016). Meaning organised private operators buy-in and openly compete for tenders to provide the services while government retains the powers of

planning, regulation and oversight of the system. As discussed earlier, so far this seems to be the most practical choice to address current challenges in Zambia's urban public transport system.

7.2. Resistance from some stakeholders

Policy reforms always face resistance from some stakeholders because, much as they produce positive results, they also have negative aftereffects. These include job losses and redundancy of some capital equipment. Some people involved in the public transport service value-chain will lose their jobs while some buses will be put out of service for a while before they are deployed elsewhere in the economy.

If no well-structured agenda on how to address such issues is designed and communicated in a timely manner to relevant actors by the time reforms take-off, some stakeholders are likely to resist the reforms. Going forward, there is need to work out guidelines on how to treat or handle actors that are going to be disadvantages by proposed reforms. Some countries (e.g., South Korea) that have implemented similar reforms in public transport have used financial compensation (Caris, 2016) to reimburse or subsidise possible losers while others have offered free training to re-skill the losers. Whichever strategy is to be used, some preliminary work is needed such as developing guidelines stipulating on what grounds an actor will be considered a possible loser and how much compensation to ascribe to them, whether monetary or otherwise.

Lastly, some mini-buses should be allowed to service some peripheral areas and act as feeders into the main routes where only higher seating capacity buses can operate. This measure will also preserve some jobs for some current mini-buses drivers.

7.3. Weak enforcement of regulations

As shown in sections four and five above, laws on public transport that regulate the behaviour of motorists are technically well structured as compared to those laws that define the very foundations of institutions responsible for public transport such as the Road Traffic Act No. 11 of 2002 for RTSA, and the Local Government Act of 2010 for councils. Loopholes were noticed in the latter that will require addressing for these responsible institutions to be monitored on their performance, as earlier discussed. Still, laws by themselves are meaningless if they are not followed and not properly enforced. Laws are only as strong and effective as the institutions enforcing them. Going forward, the Government, through relevant law enforcement institutions, will have to rise to the occasion to ensure that the laws supporting the reforms are strictly followed.

Consequently, reforms will only be meaningful when they are implemented. The paper recommends proposed reforms to be accompanied by corresponding legal reforms, compelling all stakeholders including service providers, public transport institutions and law enforcers to perform their respective roles. In addition, certain activities that may impede the implementation of the reforms such as in-route competition and continued use of lower capacity buses should be punishable. Otherwise, the disorderly condition of the present urban public transport system will continue indefinitely. Cameroon is an example of a country that outlawed the usage of small buses when it introduced higher capacity buses (Kumar & Barrett, 2008). When key stakeholders were asked whether they agreed or not that proposed reforms should be accompanied by corresponding legal reforms, the majority strongly agreed stating that such measures will be vital to depoliticise the sub-sector, and stop any institution from diverting revenues raised from public transport to other purposes.

Proper enforcement of proposed reforms will be very vital because any perceived weakness on the part of responsible institutions is likely to be exploited by opposing actors to reverse any progress made. It is for this reason that strong institutional capacities as discussed above are a major prerequisite for the successful implementation of any reforms.

8.0 CONCLUSION AND RECOMMENDATIONS

Anchoring on the 2013 study by ZIPAR, “*Trip Modelling and Cost Analysis for Urban Public Transport System for the City of Lusaka*”, this paper continues to advocate for the implementation of reforms in the urban public transport system to improve service delivery. The report has established that institutions responsible for public transport are adequately supported by the legal frameworks (Acts) that establish them to discharge their various mandates. However, huge gaps exist between institutional mandates and practices of key institutions, leading to notable overlaps of mandates and responsibilities in delivery of public transport services.

In addition, the analysis of relevant laws and regulations related to public transport reveal that most regulations are strong and well drafted to deter unlawful behaviour from the public. Nonetheless, loopholes were noticed in laws defining the foundations of institutions responsible for public transport which do not allow these institutions to be monitored on their performance. In most circumstances, these are just legal technicalities that prevent these institutions from being held liable unnecessarily. However, in a few instances like the case of Councils, this suggests institutional unpreparedness for the implementation of reforms in urban public transport as they point to huge gaps between institutional mandates and key practices.

In conclusion, the levels of capacity across-the-board for responsible institutions to discharge their mandates effectively leaves much to be desired, especially in Councils. They do not have the resources or the requisite capacities to perform their ever-growing load of responsibilities, which includes “to establish and maintain a public transport service” according to the Local Government Act of 2010. Going forward, strategies to build capacity in Councils to handle public transport administration should be thoroughly explored, especially that the responsibility to establish and maintain urban public transport services will remain with Councils in the foreseeable future.

The following key specific recommendations are proposed:

- 1. The Government needs to clearly delineate public transport structures and appoint a lead institution to superintend over public transport affairs.** This institution should act as a secretariat to all institutions with a public transport mandate. To ensure its independence and authority, an Act of Parliament that clearly define its functions and powers, set out its composition and define the tenure of its officers should establish this lead institution.
- 2. The Government should strengthen legal instruments that establish responsible institutions** to ensure effective discharge of mandates and responsibilities and at the same time ensure the monitoring and evaluation of these institutions. This can be achieved during routine amendments to existing laws or by enacting targeted statutory instruments. Lessons from case studies show that strong regulatory and institutional frameworks are vital for the success of reforms in public transport.
- 3. The Government should provide capacity to Councils in order for them to discharge their mandate effectively.** Currently, several laws including the Local Government Act of 2010 mandate Councils to provide public transport services, in addition to other responsibilities. The Government should provide necessary resources through established channels like the Local Government Equalisation Fund. Councils should also charge public transport operator service fees which can be applied to further strengthen their public transport administration. Lastly, the decentralisation of certain functions such as fitness tests and renewal of licences for PSVs from RTSA to Councils should be effected. This will decongest RTSA and allow the Agency to concentrate on its road safety functions and ensure easier and faster service delivery to motorists. In addition, the revenue generated is one way that Councils may be resourced to effectively discharge their public transport mandate.

Other recommendations include:

- 1. The Government should prioritise public transport plans and strategies in future development plans.** This will mobilise political appetite for reforms and most importantly, make public transport affairs a high priority in the country's development agenda. Given the country's population growth and rate of urbanisation, the importance of an effective urban public transport system cannot be overstated.
- 2. Ensure extensive consultation of stakeholders before implementation of reforms.** This will establish a sense of ownership of proposed reforms among relevant stakeholders. Lessons from case studies indicate that limited publicity and consultation on reforms led to withdraw of support from some stakeholders (especially possible losers) and ultimately the failure of the entire reform process.
- 3. Lastly, integrate, where appropriate, intermodal infrastructural facilities for public transport in ongoing road infrastructure projects.** These includes interlinkages between bus and train stations, dedicated bus lanes, and pedestrian and cycling zones. This will minimise the cost of implementing future reforms in public transport as development plans and strategies will not have to start from scratch.

ANNEX

Table 3: Key Public Transport Reforms of Britain (1930 - 2005)

Year	Reform Instrument	Nature of Reform
2003	Traffic for London by law	Congestion charges to reduce emissions
2002	Transport Act	Increase regulatory powers of PT
1985	Transport Act	Supply/quantity regulation
1983	Greater London Council Resolution	Introduction of travel card – a form intermodal ticketing system for fare zones
1981	Greater London Council Resolution	Introduction of flat fares zone to simplify PT fares
1968	Transport Act	Extension of public ownership of PT services
1947	Transport Act	Extension of public ownership of PT services
1933	London Passenger Transport Act	Establishment of publicly owned board to own all buses

Table 4: Ghana's Urban Public Transport Reforms

Year	Reform Instrument	Nature of Reform
2012		<p>GoG and World Bank restructured GAMA BRT, responding to the unforeseen circumstances and technical difficulties in 2012 and 2014.</p> <ul style="list-style-type: none"> - 2012 focused on addressing the critical lack of an appropriate institutional setup. - 2014 Shift project's scope to QBS to cope with cost overruns and financing gaps, while pursuing original project objectives.
2008	National Transport Policy	<ul style="list-style-type: none"> - Directs Government to invest in transport and subsidise transport services with the view of providing social benefit in terms of affordability targeting vulnerable and marginalised groups. - Directs Government to establish one large national PT operator providing services under the banner of Metro Mass Transport Services - Encourages private investment in transport infrastructure and services through PPPs
2007	Letter of National Transport Policy of the Government of Ghana	Urban Transport Project aimed at developing the first Bus Rapid Transit (BRT) system in SSA in Accra. The project also gave significant weight to strengthening the urban transport sector's institutional structure, which was a milestone considering that passenger transport was mainly covered by informal operators.
2004	Road Transport Act	<ul style="list-style-type: none"> - Promoting registration of commercial vehicles and registration of operators along specified routes. - This act also legitimised private commercial transport associations/unions some of which are licensed by the ministry responsible for transport in attempt to ensuring more effective enforcement of transport regulation.
2003	Ghana Companies Code	- Incorporation of the Metro Mass Transit limited (MMT) to operate mass transportation services
1990s		- Deregulation of bus fares

Year	Reform Instrument	Nature of Reform
After 1973	None (Filled Vacuum of unexecuted OSA Transport Ltd)	- Self-regulation of PT private operators introduced by the Ghana Private Road Transport Union
1973	Omnibus Services (Amendment) Decree	- Shift from Bulletin Notices to by-laws covering offences and penalties regarding license conditions for notification of specific route details
1972	OSA Decree	- Transfer of regulatory power OSA Transport Ltd to be responsible for licensing of all motor vehicles intended for use as omnibuses
1969	Omnibus Services Authority (OSA) Decree	- Consolidation of all urban passenger transport services into the Omnibus Services Authority

Table 5: Syntax Coding of the Institutional Statements in the Local Government Act (2010), Chap. 281 of the Laws of Zambia

UoB	Section	Syntax Code	Description of the Institutional Statement
1	61 (16) (a)	A	A council
		D	may
		I	establish and maintain roads;
		C	At all times and in all places [implicit]
		Type	Norm
2	61 (1) (b)	A	A council
		D	may
		I	exercise general control, care and maintenance of all public roads, streets, avenues, lanes, sanitary lanes and footwalks forming part thereof, bridges, squares, ferries and water courses and to remove all obstacles therefrom;
		C	At all times and in all places [implicit]
		Type	Norm
3	61 (1) (c)	A	A council
		D	may
		I	close or divert any public road street or throughfare;
		C	At all times and in all places [implicit]
		Type	Norm
4	61 (1) (d)	A	A council
		D	may
		I	close or divert ferries and water courses;
		C	At all times and in all places [implicit]
		Type	Norm
5	61 (1) (e)	A	A council
		D	may
		I	declare a street or road to be a public street or road;
		C	At all times and in all places [implicit]
		Type	Norm

UoB	Section	Syntax Code	Description of the Institutional Statement
6	61 (1) (f)	A	A council
		D	may
		I	compile and maintain a register of all public streets and roads;
		C	At all times and in all places [implicit]
		Type	Norm
7	61 (18)	A	A council
		D	may
		I	control traffic and the parking of vehicles;
		C	At all times and in all places [implicit]
		Type	Norm
8	61 (18)	A	A council
		D	may
		I	establish and maintain parking meters and premises for the parking of vehicles.
		C	At all times and in all places [implicit]
		Type	Norm
9	61 (19)	A	A council
		D	may
		I	take measures for the promotion of road safety.
		C	At all times and in all places [implicit]
		Type	Norm
10	61 (38)	A	A council
		D	may
		I	establish and maintain a public transport service.
		C	At all times and in all places [implicit]
		Type	Norm

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